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|                                 |   |                    |
|---------------------------------|---|--------------------|
| In re Application of            | : |                    |
| GROSS, Helmut, et al            | : |                    |
| Application No.: 10/031,671     | : |                    |
| PCT No.: PCT/EP00/05524         | : | NOTIFICATION OF    |
| Int. Filing Date: 15 May 2001   | : |                    |
| Priority Date: 17 May 2000      | : | DEFECTIVE RESPONSE |
| Attorney Docket No.: QUE04P-311 | : |                    |
| For: DEVICE FOR DIE CUTTING     | : |                    |
| A STACK CONSISTING OF SHEET-    | : |                    |
| TYPE MATERIALS                  | : |                    |

This application is before the PCT Legal Office for consideration of matters under 35 U.S.C. 371.

### **BACKGROUND**

On 15 May 2001, applicants filed international application No. PCT/EP00/05524, which claims a priority date of 17 May 2000. No Demand electing the United States was filed in this international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.494 was 17 January 2002.

On 17 January 2002, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided.

On 11 April 2001, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, *inter alia*, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and(b), properly identifying the application by the International application number and international filing date ... must be submitted within two months from its 11 April 2001 date of mailing or by 22 months from the priority date, whichever is later. Failure to properly respond will result in abandonment."

On 26 April 2002, applicants submitted an executed declaration of the inventors. In the declaration section pertaining to the seventh named inventor, the name Horst STEMMER appears; this name did not appear in the international application which is Frank STEMMER. In addition, the signature of the declaration above Horst STEMMER is unclear if he signed as Horst or Frank.

### DISCUSSION

The declaration of the inventors is not acceptable at this time, in that the name of the seventh named inventor, Horst STEMMER, does not correspond to that set forth in the international application, Frank STEMMER. MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

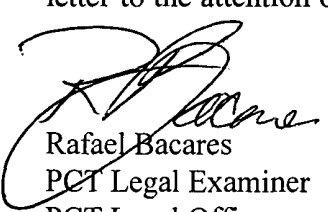
Applicant has must provide items (1) and (2) for consideration. Alternatively, applicants may provide a showing that the name change was effected in accordance with PCT Rule 92Bis prior to the filing of the present national stage application.

### CONCLUSION

For the reasons above, the application may not enter into national stage processing at this time.


A proper response must be filed within ONE (1) MONTH from the mail date of this decision or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five (5) months. Failure to timely file the proper response will result in Abandonment.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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